



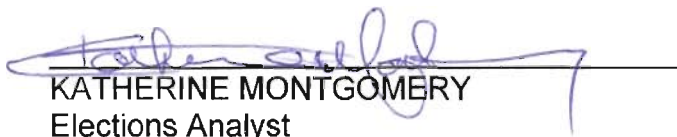
DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

January 10, 2008

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS/PROPONENTS
(08016)

FROM:


KATHERINE MONTGOMERY
Elections Analyst

SUBJECT: **INITIATIVE #1316**

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**ORGANIZATIONS REPRESENTING LOCAL GOVERNMENTS
AND AGENCIES. LIMITS ON POLITICAL ACTIVITY.
CIVIL AND CRIMINAL PENALTIES. STATUTE.**

The proponents of the above-named measure are:

Jon Coupal
Jim Nielsen
Lew Uhler
921 Eleventh Street, Suite 1201
Sacramento, CA 95814

(916) 444-9950

**ORGANIZATIONS REPRESENTING LOCAL GOVERNMENTS
AND AGENCIES. LIMITS ON POLITICAL ACTIVITY.
CIVIL AND CRIMINAL PENALTIES. STATUTE.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 433,971
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Thursday, 01/10/08
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Thursday, 01/10/08
 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elec. Codes §§ 336, 9030(a)). Monday, 06/09/08*
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elec. Code § 9030(b)). Thursday, 06/19/08

(If the Proponent files the petition with the county on a date prior to
06/09/08, the county has eight working days from the filing of the petition
to determine the total number of signatures affixed to the petition and to
transmit the total to the Secretary of State) (Elec. Code § 9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the counties. Saturday, 06/28/08**
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(Elec. Code § 9030(d)(e)) Monday, 08/11/08

* Date adjusted for official deadline, which falls on a weekend (Elec. Code § 15).

**Date varies based on the date of county receipt.

INITIATIVE #1316

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 06/28/08, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 477,369 or less than 412,273 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 412,273 and 477,369 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (EC §9030(f)(g); 9031(a)) Thursday, 08/21/08*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elec. Code § 9031(b)(c)). Monday, 10/06/08

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 08/21/08, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elec. Code §§ 9031(d), 9033) Friday, 10/10/08*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

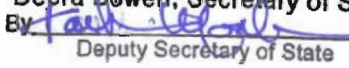
Public: (916) 445-9555
Telephone: (916) 445-4752
Facsimile: (916) 324-8835
E-Mail: Krystal.Paris@doj.ca.gov

January 10, 2008

FILED
In the office of the Secretary of State
of the State of California

JAN 10 2008

Debra Bowen
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, CA 95814

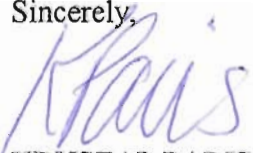
Debra Bowen, Secretary of State
By  Deputy Secretary of State

RE: Title and Summary for Initiative No. 07-0085
TITLE: ORGANIZATIONS REPRESENTING LOCAL GOVERNMENTS AND
AGENCIES. LIMITS ON POLITICAL ACTIVITY. CIVIL AND CRIMINAL
PENALTIES. STATUTE.

Dear Ms. Bowen:

Pursuant to the provisions in sections 336 and 9004 of the Elections Code, enclosed please find a copy of the Title and Summary issued for Initiative Number 07-0085, along with the text of the proposed measure.

Sincerely,



KRYSTAL PARIS
Initiative Coordinator

For EDMUND G. BROWN JR.
Attorney General

Enclosures

Proponent(s) public information:

Jon Coupal
Jim Nielsen
Lew Uhler
Howard Jarvis Taxpayers Association
921 Eleventh Street, Suite 1201
Sacramento, CA 95814

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

ORGANIZATIONS REPRESENTING LOCAL GOVERNMENTS AND AGENCIES. LIMITS
ON POLITICAL ACTIVITY. CIVIL AND CRIMINAL PENALTIES. STATUTE.

Prohibits organizations that act as an association or representative of local agencies from spending money in state and local elections if the organizations are partly funded by dues or payments from local agencies. Applies ban to all assets of the organization, including revenue from private sources. Imposes fines on officer, employee, agent, or consultant of the public agency or organization, who violates or permits others to violate the ban. Imposes imprisonment on public officer who violates or permits others to violate the ban. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: No significant costs to state or local governments. (Initiative 07-0085.)

HOWARD JARVIS, Founder (1903-1986)
 JON COUPAL, President
 TREVOR GRIMM, General Counsel
 TIMOTHY BITTLE, Director of Legal Affairs



HOWARD JARVIS TAXPAYERS ASSOCIATION

SACRAMENTO OFFICE:
 921 11th Street, Suite 1201
 Sacramento, CA 95814
 (916) 444-9950, Fax: (916) 444-9823
 www.hjta.org

Via Hand Delivery

November 15, 2007

Ms. Toni Melton
 Initiative Coordinator
 Attorney General's Office
 1515 K Street, 6th Floor
 Sacramento, CA 95814

RECEIVED
 NOV 15 2007

Re: Taxpayer Protection Act of 2008

INITIATIVE COORDINATOR
 ATTORNEY GENERAL'S OFFICE

Dear Ms. Melton:

By this letter, we respectfully request the Attorney General to prepare a title and summary of the chief purpose and points of the Taxpayer Protection Act of 2008. The undersigned are the proponents of this measure.

Any correspondence regarding this initiative should be directed to Howard Jarvis Taxpayers Association, 921 Eleventh Street, Suite 1201, Sacramento, CA 95814 (916) 444-9950. The proponents' resident addresses are attached to this letter.

Enclosed is the required \$200 filing fee as well as the certification as required by Elections Code Section 18650.

Thank you for your cooperation.

Sincerely, /

Sincerely, /

Sincerely, /

Jon Coupal
 President Howard
 Jarvis Taxpayers
 Association

Jim Nielsen
 Chairman, Cal.
 Alliance to Protect
 Private Property

Lew Under
 President, National
 Tax Limitation
 Committee

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

SECTION 1. FINDINGS AND DECLARATION OF PURPOSES

(A) Our State Supreme Court has stated that "A fundamental precept of this nation's democratic electoral process is that the government may not 'take sides' in election contests or bestow an unfair advantage on one of several competing factions."

(B) State and local governments and their officials are therefore prohibited from expending public funds or using public resources for campaign activity.

(D) State law also requires campaign activity to be disclosed and the source of funds used for such activity to be publicly reported.

(E) Yet politicians and government officials have created a loophole undercutting these laws that were designed to protect taxpayers and voters. They have used taxpayer funded non-profit organizations to conduct campaign activity that would be illegal if undertaken directly.

(F) Therefore, the People hereby enact the "Taxpayer Protection Act of 2008" to close this loophole and ensure that no public funds are used for political campaign activity.

SECTION 2. Use of public resources for campaign activity prohibited

Government Code section 8314 is hereby amended to read as follows (deletions denoted by ~~stricken type~~; additions denoted in *italicized type*):

§ 8314 (a) It is unlawful for any ~~elected state or local officer, including any state or local appointee, employee, or consultant~~ *elected official, officer, director, appointee, employee, agent or consultant of the state, of any state agency, of any local agency, or of any organization formed or acting as an association or representative of local agencies, which organization is funded in whole or in part by dues or other voluntary payments made by local agencies,* to use or permit others to use public resources for a campaign activity, or personal or other purposes which are not authorized by law.

(b) For purposes of this section:

(1) "Personal purpose" means those activities the purpose of which is for personal enjoyment, private gain or advantage, or an outside endeavor not related to state business. "Personal purpose" does not include the incidental and minimal use of public resources, such as equipment or office space, for personal purposes, including an occasional telephone call.

(2) "Campaign activity" means an activity constituting a contribution as defined in Section 82015 or an expenditure as defined in Section 82025. "Campaign activity" does not include the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes, including the referral of unsolicited political mail, telephone calls, and visitors to private political entities.

(3) "Public resources" means any property or asset owned by the state or any *state or* local agency, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and state-compensated time. *"Public resources" also means the property and assets of any organization formed or acting as an association or representative of local agencies, which organization is funded in whole or in part by dues or other voluntary payments made by local agencies, including revenue derived by any such organization from investments, events or enterprises financed in whole or in part by dues or other voluntary payments made by any local agency. Nothing herein shall prohibit such an organization from sponsoring a committee funded by non-public resources pursuant to Government Code section 82013(a).*

(4) "Use" means a use of public resources which is substantial enough to result in a gain or advantage to the user or a loss to the state or any local agency for which a monetary value may be estimated.

(5) *"Local agency" means a county, city and county, city, district, redevelopment agency, school district, community college district, joint powers authority, or any other political subdivision or public corporation of California, or entity created thereby.*

(c)(1) Any person who intentionally or negligently violates this section is liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day on which a violation occurs, plus three times the value of the unlawful use of public resources. The penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney or any city attorney of a city having a population in excess of 750,000. If two or more persons are responsible for any violation, they shall be jointly and severally liable for the penalty.

(2) If the action is brought by the Attorney General, the moneys recovered shall be paid into the General Fund. If the action is brought by a district attorney, the moneys recovered shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney, the moneys recovered shall be paid to the treasurer of that city.

(3) No civil action alleging a violation of this section may be commenced more than four years after the date the alleged violation occurred.

(d) Nothing in this section shall prohibit the use of public resources for providing information to the public about the possible effects of any bond issue or other ballot measure on state activities, operations, or policies, provided that (1) the informational activities are otherwise authorized by the constitution or laws of this state, and (2) the information provided constitutes a fair and impartial presentation of relevant facts to aid

the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

(e) The incidental and minimal use of public resources by an elected state or local officer, including any state or local appointee, employee, or consultant, pursuant to this section shall not be subject to prosecution under Section 424 of the Penal Code.

Penal Code section 424 is hereby amended to read as follows:

§ 424 (a) Each officer of this state, or of any county, city, town, or district of this state, and every other person charged with the receipt, safekeeping, transfer, or disbursement of public moneys, who either:

1. Without authority of law, appropriates the same, or any portion thereof, to his or her own use, or to the use of another; or,
2. Loans the same or any portion thereof; makes any profit out of, or uses the same for any purpose not authorized by law; or,
3. Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to the same; or,
4. Fraudulently alters, falsifies, conceals, destroys, or obliterates any account; or,
5. Willfully refuses or omits to pay over, on demand, any public moneys in his or her hands, upon the presentation of a draft, order, or warrant drawn upon these moneys by competent authority; or,
6. Willfully omits to transfer the same, when transfer is required by law; or,
7. Willfully omits or refuses to pay over to any officer or person authorized by law to receive the same, any money received by him or her under any duty imposed by law so to pay over the same; or
8. *Willfully uses or permits others to use public money or resources for a campaign activity prohibited by Government Code section 8314 and which are not authorized by law --*

Is punishable by imprisonment in the state prison for two, three, or four years, and is disqualified from holding any office in this state.

(b) As used in this section, "public moneys" includes the proceeds derived from the sale of bonds or other evidence or indebtedness authorized by the legislative body of any city, county, district, or public agency.

(c) This section does not apply to the incidental and minimal use of public resources authorized by Section 8314 of the Government Code.

SECTION 3. SEVERABILITY

The provisions of this section are severable. In any provision is this section or its application is held invalid, that finding shall not affect other provisions or applications that can be given effect without the invalid provision or application.